

Application No. 10/613,608
Attorney Docket No.: LS-001

PATENT

REMARKS

Claims 1 to 17 were pending in the present application.

Claims 1 to 17 will remain pending upon entry of the present amendment.

Claims 1, 10, 11, 12, and 14 will have been amended herein.

Claims 1 and 10 to 15 are independent.

A. ALLOWABLE/ALLOWED CLAIMS

Applicant appreciates the indication that Claims 13 and 15 to 17 are allowed.

Applicant appreciates the Examiner's indication that Claim 9 would be allowable if written in independent form including all features of the base claim and intervening claims. Applicant declines to do so at this time, relying on the distinctions and reasons for patentability presented below.

B. SECTION 103 REJECTIONS

Claims 1 to 6, 11, and 12 stand rejected under 35 U.S.C. Section 103 as unpatentable over U.S. Patent No. 4,930,504 to Diamantopoulos et al. in view of U.S. Patent Application Publication No. US2004/0215176 to Bahk. Claims 7, 8, 10, and 14 stand rejected under 35 U.S.C. Section 103 as unpatentable over Diamantopoulos in view of Bahk and further in view of 5,860,967 to Zavislan et al. Applicant respectfully traverses these rejections as described in Applicant's response dated March 3, 2005.

However, solely to expedite prosecution and in accordance with Applicant's representative's discussion with the Examiner (please see the Summary of Examiner Interview filed herewith), Applicant has clarified herein each of the rejected independent claims to make explicit that which was implicit so as to overcome the Examiner's rejections. Specifically, Applicant has added that light is emitted "so as to provide clinically repeatable dosages sufficient to have a therapeutic effect." In support of

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these amendments, Applicant's specification describes applying "clinically repeatable dosages" of light, "repeatable tissue dosing," and various therapeutic effects of such dosing:

FIGS. 3A and 3B are a schematic bottom view and side view, respectively, of an exemplary embodiment of the light therapy device 100 of FIG. 1 (referred to by reference numeral 100' in FIGS. 3A-B). As will be described further below, the light therapy device 100' of FIGS. 3A-B may provide clinically repeatable dosages of near infrared (NIR), ultra-violet (UV) and other light frequencies to stimulate new growth in chronic wounds, to kill pathogenic organisms, to activate photo sensitive chemicals in the treatment of skin and other cancers, etc. (Applicant's specification, page 8, line 31 to page 9, line 7)

The claimed applications of therapeutic light allow much greater control over the treatment than is contemplated or even possible using any of the prior art systems described by the Examiner. Note also that the Diamantopoulos reference does not describe applying a sufficient amount of light to have a therapeutic effect. Thus, Applicant respectfully requests withdrawal of the Section 103 rejections based upon these distinctions.

c. CONCLUSION

The Applicant believes all of the claims are in condition for allowance, and respectfully request reconsideration and allowance of the same. The Applicant has indicated any additional amount due regarding this amendment in the transmittal filed herewith. If any other fees are required, however, please charge Deposit Account No. 04-1696. If a petition of time is required, please accept this sentence as a request for additional time to respond and charge Deposit Account No. 04-1696 any

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required fees. The Applicant encourages the Examiner to telephone the Applicant's attorney should any issues remain.

Respectfully Submitted,



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